IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RING WRAP, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. _______
	§	
COMMEMORATIVE BRANDS, INC.,	§	
	§	
Defendant.	§	**JURY TRIAL DEMANDED**

COMPLAINT FOR DESIGN PATENT INFRINGEMENT

Plaintiff Ring Wrap, LLC ("Ring Wrap") by its attorneys, serves and files this Complaint for Design Patent Infringement and Request for Jury Trial, complaining of Commemorative Brands, Inc. ("Commemorative Brands") and would respectfully show as follows:

Parties

1. Plaintiff Ring Wrap, LLC is a company organized under the laws of Texas with an office located at 2050 North Stemmons Fwy., Suite 7943, Dallas, TX 75207-3206.

2. Defendant Commemorative Brands, Inc. ("Commemorative Brands"), doing business as "Balfour", on information and belief, is a corporation organized under the laws of the State of Delaware with corporate offices at 7211 Circle S. Road, Austin, TX 78745, and is subject to service at this address.

Jurisdiction and Venue

3. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338(a) as this is a claim for infringement of a U.S. design patent pursuant to 35 U.S.C. § 1 et seq., including 35 U.S.C. § 271.

4. Commemorative Brands is subject to personal jurisdiction within Texas and this judicial district, as on information and belief, it sells and offers to sell infringing class ring accessory products within Texas and this judicial district.

5. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because Commemorative Brands have done business, have infringed, and continue to infringe within this District as stated more fully below, and this action arises from transactions of that business and that infringement.

Count 1: Infringement of U.S. Design Patent No. D690,220

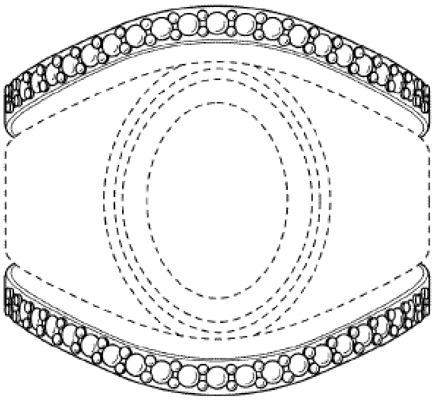
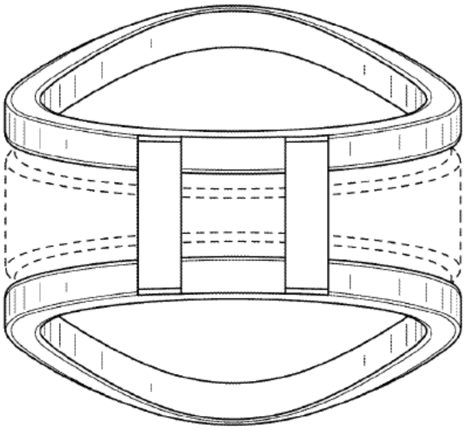
6. U.S. Design Patent No. D690, 220 (“D220 Patent”), a copy of which is attached as Exhibit A, is entitled “CLASS RING WRAP” and was duly and legally issued by the United States Patent and Trademark Office. Ring Wrap is the owner of all right, title and interest in and to the D220 Patent, including standing to sue and recover all past, present, and future damages of infringement of the D220 Patent.

7. Commemorative Brands has infringed and continues to infringe the D220 Patent by making, selling, and/or offering to sell class rings that infringe the single claim of the D220 Patent for: “[t]he ornamental design for a class ring wrap, as shown and described.”

8. The following is an example of class ring accessory sold and offered for sale by Commemorative Brands, doing business as Balfour, as shown on the following photos:

9. Comparisons of Figs. 1, 4, and 5 of the D214 Patent, with the class ring accessory offered by Commemorative Brands, are shown as follows:

FIG. 1	

 FIG. 4	
 FIG. 5	

The Commemorative Brand ring accessory shown above embodies the design covered by the D220 Patent.

10. Commemorative Brands' acts of infringement have caused damage to Ring Wrap, and Ring Wrap is entitled to recover from Commemorative Brands the damages sustained as a result of Commemorative Brands' wrongful acts in an amount subject to proof at trial, including Commemorative Brands' profits on the infringing ring sales.

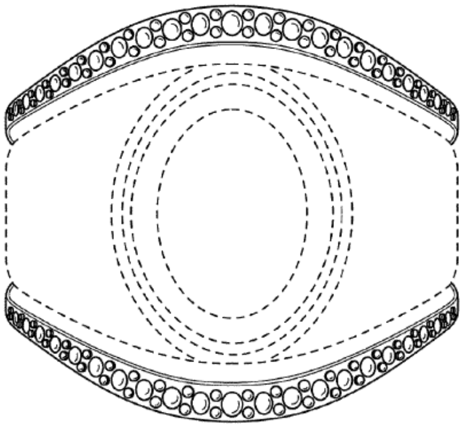
**Count 2: Infringement of U.S.
Design Patent No. D691,061**

11. U.S. Design Patent No. D691,061 ("D061 Patent"), a copy of which is attached as Exhibit B, is entitled "CLASS RING WRAP" and was duly and legally issued by the United States Patent and Trademark Office. Ring Wrap is the owner of all right, title and interest in and to the D061 Patent, including standing to sue and recover all past, present, and future damages of infringement of the D061 Patent.

12. Commemorative Brands has infringed and continues to infringe the D061 Patent by making, selling, and/or offering to sell class rings that infringe the single claim of the D061 Patent for: "[t]he ornamental design for a class ring wrap, as shown and described."

13. The following is an example of class ring accessory sold and offered for sale by Commemorative Brands, doing business as Balfour, as shown on the following photos:

14. Comparisons of Figs. 1, 4, and 5 of the D061 Patent, with the class ring accessory offered by Commemorative Brands are shown as follows:

FIG. 1	
 FIG. 4	

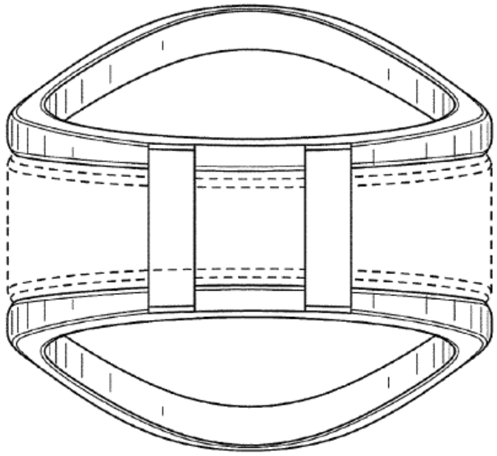


FIG. 5

The Commemorative Brand ring accessory shown above embodies the design covered by the D061 Patent.

15 Commemorative Brands' acts of infringement have caused damage to Ring Wrap, and Ring Wrap is entitled to recover from Commemorative Brands the damages sustained as a result of Commemorative Brands' wrongful acts in an amount subject to proof at trial, including Commemorative Brands' profits on the infringing ring sales.

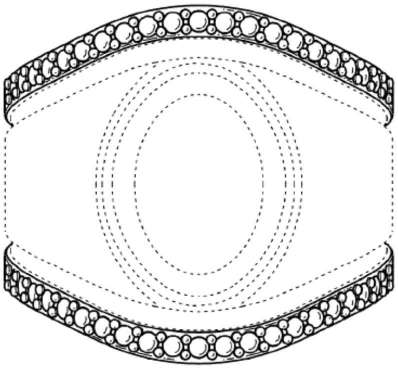
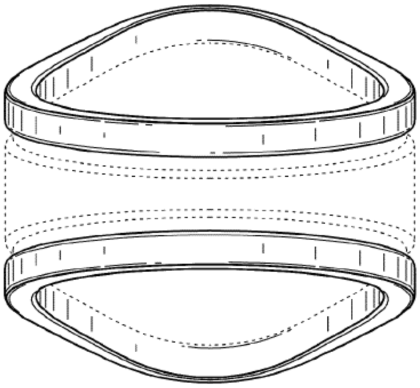
**Count 3: Infringement of U.S.
Design Patent No. D679,214**

16. U.S. Design Patent No. D679,214 ("D214 Patent"), a copy of which is attached as Exhibit C, is entitled "CLASS RING WRAP" and was duly and legally issued by the United States Patent and Trademark Office. Ring Wrap is the owner of all right, title and interest in and to the D214 Patent, including standing to sue and recover all past, present, and future damages of infringement of the D214 Patent.

17. Commemorative Brands has infringed and continues to infringe the D214 Patent by making, selling, and/or offering to sell class rings that infringe the single claim of the D214 Patent for: "[t]he ornamental design for a class ring wrap, as shown and described."

18. The following is an example of class ring accessory sold and offered for sale by Commemorative Brands, doing business as Balfour, as shown on the following photos:

19. Comparisons of Figs. 1, 4, and 5 of the D214 Patent, with the class ring accessory offered by Commemorative Brands, are shown as follows:

FIG. 1	
FIG. 4 	
FIG. 5 	

The Commemorative Brand ring accessory shown above embodies the design covered by the D214 Patent.

20. Commemorative Brands' acts of infringement have caused damage to Ring Wrap, and Ring Wrap is entitled to recover from Commemorative Brands the damages sustained as a result of Commemorative Brands' wrongful acts in an amount subject to proof at trial, including Commemorative Brands' profits on the infringing ring sales.

Prayer

Ring Wrap prays that, after a trial, this Court enter judgment against Commemorative Brands as follows:

(a) An entry of final judgment in favor of Ring Wrap and against Commemorative Brands;

(b) An award of Commemorative Brands' profits on the infringing sales pursuant to 35 U.S.C § 289, together with prejudgment interest from the date the infringement began, and post-judgment interest, to the extent allowed by law;

(c) An injunction permanently prohibiting Commemorative Brands and all persons in active concert or participation with any of them from further acts of infringement of the D214 Patent, the D061 Patent, and the D220 Patent;

(d) Awarding Ring Wrap its costs and expenses of this litigation, including its reasonable attorneys' fees and disbursements, pursuant to 35 U.S.C. § 285; and

(e) Ring Wrap have such other and further relief as the Court deems just and proper.

Dated: December 15, 2016

Respectfully submitted,

/s/ David W. Carstens
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